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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,099	10/31/2001	Dietmar Wagner	442-129	9320
7590	09/17/2004		EXAMINER	
Charles R. Hoffmann, Esq. HOFFMANN & BARON, LLP 6900 Jericho Turnpike Syosset, NY 11791				EDWARDS JR, TIMOTHY
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)
	10/004,099	WAGNER ET AL.
	Examiner	Art Unit
	Timothy Edwards, Jr.	2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 October 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 3-5 is/are rejected.
- 7) Claim(s) 2 and 6-11 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 October 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eryurek et al [US 6,017,143].

Considering claim 1, Eryurek et al discloses a device in a process system for detecting events comprising, a) a sensitivity element connected by way of a sensor electronic circuitry having a storage arrangement with an I/O port (see fig 2, items 16 and 76); b) a line arrangement having at least three lines (see col 3, lines 5-9); c) except Eryurek does not specifically recited means by which the sensor arrangement may be connected with an external electrical or electronic device. Eryurek discloses the connection of an electronic device (i.e. a portable communicator, see col 1, lines 25-30 and col 4, lines 47-52) to his wire loop system. One of ordinary skill in the art would readily recognize the need for a means to connect a portable communicator to a wire process control loop. Therefore, it would have been obvious to one of ordinary skill in the art the communicator of the Eryurek system would have any known means of connecting a communicator to a wire loop; d) Eryurek does not indicate two power supply lines and one line for the transmission of sensor signal. One of ordinary skill in

the art would readily recognize wire control loop system transmits power and data signals on the wire loop. Eryurek discloses the use of two, three, or four wire loop. Therefore, it would have been obvious to one of ordinary skill in the art to arrange a three wire system as suggested by Eryurek to be capable of transmitting power and data; e) an external device connected to the lines to provided parameter values to the sensor arrangement (see col 4, lines 44-65).

Considering claims 3 and 4, Eryurek discloses the limitations of these claim see fig 1, item 12.

Considering claim 5, Eryurek discloses the limitation of this claim in col 4, lines 47-52.

Allowable Subject Matter

Claims 2,6,7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 8, 10 and 11 depend on objected claims.

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1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is Seberger '774, Lenz et al '137, Logure '021 and Borgeson et al '059. Cited references disclose the use of a portable communicator in a wire loop system. DeLime III '461 disclose a three wire detection circuit having two power wires and one communication wire.

2. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (571) 272-3067. The examiner can normally be reached on Monday-Thursday, 8:30 a.m.-4:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (571) 272-3068.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or fax to:

(703), 872-9314 (for formal communications intended for entry)

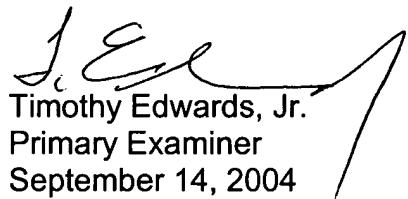
Or:

(for informal or draft communications, please label "PROPOSED"
or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor, (Receptionist).


Timothy Edwards, Jr.
Primary Examiner
September 14, 2004